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11 PLAINTIFF

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 LARRY D. BRIGGS,
16 Plaintiff,
17 v.
18 SANMINA-SCI,
19 Defendant.

Case No. C 08-0870 EMC

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
[PROPOSED] CASE MANAGEMENT
ORDER**

Complaint Filed: February 8, 2008

21
22 Plaintiff Larry D. Briggs and Defendant Sanmina-SCI Corporation hereby submit this
23 Joint Case Management Conference Statement and [Proposed] Case Management Order and
24 request that the Court adopt it as its scheduling order in this case.

25 Per the Court's original Order Setting Initial Case Management Conference and ADR
26 Deadlines ("CMC Order"), the parties met and conferred on April 17, 2008 (through lead counsel
27 for Defendant, and through Plaintiff, appearing *pro se*). During that conference the parties
28 conferred about all matters enumerated in both Fed. R. Civ. P. 26(f) and the CMC Order. The

1 specific topics the parties conferred about, and the agreements and/or arrangements they made for
2 each topic, are as follows:

3 **1. Jurisdiction and Service.**

4 This is a race discrimination case over which the Court has subject-matter jurisdiction
5 pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*

6 There are no current issues (or issues that the parties foresee) involving personal
7 jurisdiction or venue.

8 All parties currently named in the litigation have either been served, or have voluntarily
9 waived service.

10 **2. Facts.**

11 Plaintiff claims that he was terminated from his employment with Defendant because of
12 his race. Defendant denies these allegations and maintains that Plaintiff was in fact terminated
13 for performance reasons, and/or misconduct.

14 **3. Legal Issues.**

15 The primary legal issue in dispute is whether Plaintiff was fired because of his race.

16 **4. Motions.**

17 Plaintiff's Complaint was filed on February 8, 2008; Defendant voluntarily waived service
18 of process. Defendant filed its Answer to Plaintiff's Complaint on May 5, 2008. There are no
19 pending motions at this time. Defendant anticipates bringing a motion (or motions) for summary
20 judgment and/or summary adjudication.

21 **5. Amendment of Pleadings.**

22 The parties do not anticipate any amendment of the pleadings at this time.

23 **6. Evidence Preservation.**

24 Defendant has taken steps to preserve evidence relevant to the issues reasonably evident in
25 this action, including distributing "document hold" memoranda to relevant personnel. Plaintiff
26 has also taken steps to preserve his own e-mails and hard-copy documents.

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1 **7. Disclosures.**

2 The parties have conferred about disclosures and have agreed to exchange all disclosures
3 required by Fed. R. Civ. P. 26 prior to the Case Management Conference on July 2, 2008. The
4 parties will disclose the following: the names and contact information of witnesses who support
5 and/or refute the various claims and defenses that have been made in this case so far; descriptions
6 of documents (and/or copies of the documents themselves) that support and/or refute the parties'
7 respective claims and defenses; and documents that support and/or refute Plaintiff's computation
8 of damages.

9 **8. Discovery (Proposed Discovery Plan).**

10 Discovery will likely be limited in this case. Defendant expects to only take the following
11 discovery:

- 12 • Plaintiff's deposition, in or around August 2008;
- 13 • Requests for written discovery (to the extent they are still needed after Initial
14 Disclosures), which will be completed in or around August 2008;
- 15 • Deposition of percipient witnesses, to be completed in or around October 2008.

16 Plaintiff expects to take the following discovery:

- 17 • Depositions of Defense witnesses, to be completed in or around September 2008.

18 **9. Related Cases.**

19 The only potentially related case of which the parties are aware is a Workers'
20 Compensation claim that Plaintiff filed against Defendant on or around March 23, 2007 (Case
21 No. SJO 0263095). However, that claim arose from a different set of facts than those alleged in
22 the Complaint.

23 **10. Relief Sought.**

24 Plaintiff is seeking any such relief as may be appropriate, including injunctive orders,
25 damages, costs and/or attorneys' fees.

26 **11. Settlement and ADR.**

27 The parties agree to submit to mediation with a Magistrate Judge. The parties respectfully
28

1 request a mediation compliance date no earlier than September 19, 2008.

2 The parties have complied with the ADR certification requirements of Civil L.R. 16-8(b).

3 **12. Consent to Magistrate Judge for All Purposes.**

4 Both parties consent to the assignment of a Magistrate Judge for all further proceedings,
5 including trial.

6 **13. Other References.**

7 The parties agree that this case is *not* suitable for reference to binding arbitration, a special
8 master, or the Judicial Panel on Multidistrict Litigation.

9 **14. Narrowing of Issues**

10 The central issue in this case is already so discrete (i.e., was Plaintiff fired because of his
11 race?) that further narrowing is likely not possible.

12 **15. Expedited Schedule.**

13 The parties agree that this case likely *cannot* be handled on an expedited basis with
14 streamlined procedures.

15 **16. Scheduling.**

16 The parties propose the following dates for trial-related deadlines:

- 17 • Designation of expert witnesses, January 12, 2009, or thereabout;
- 18 • Discovery cut-off, February 24, 2009, or thereabout;
- 19 • Hearing of dispositive motions, March 4, 2009, or thereabout;
- 20 • Pretrial conference, March 11, 2009, or thereabout; and
- 21 • Trial, March 23, 2009, or thereabout.

22 **17. Trial.**

23 The parties request that trial in this case be scheduled no earlier than March 23, 2009, or
24 thereabout. Defense counsel currently has other trials scheduled for August and November 2008.

25 **18. Disclosure of Non-party Interested Entities or Persons.**

26 Plaintiff is not aware of any person or entity that would have a financial interest in this
27 litigation, or any other interest that would be substantially affected by the litigation's outcome.

Defendant is also not aware of any person or entity that would have a financial interest in this litigation, or any other interest that would be substantially affected by the litigation's outcome. On May 5, 2007 Defendant filed a F.R.C.P. Rule 7.1 Disclosure and Civil L.R. 3-16 Certificate of Interested Entities or Persons indicating the persons and/or entities with interests in this litigation.

19. Service List.

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Dated: June 25, 2008

NELSON LAW GROUP

By: /S/ Robert S. Nelson
Robert S. Nelson
Attorneys for Defendant
SANMINA-SCI CORPORATION

Dated: June 25, 2008

LARRY D. BRIGGS

By: /S/ Larry D. Briggs
Larry D. Briggs
Plaintiff (*Appearing Pro Se*)

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